

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELIZABETH HIGGINS, et al.,)	
)	
Plaintiffs,)	8:08CV15
)	
vs.)	AMENDED ORDER
)	
JOACHIM DANKIW, et al.,)	
)	
Defendants.)	

This matter is before the court on the defendants' Motion for Release of Department of Correctional Services Records pursuant to Neb. Rev. Stat. § 83-178 (Filing No. 119), and the plaintiffs' Motion to Modify Order (Filing No. 121). Being duly apprised in the matter, the Court finds that good cause exists to authorize and order the release of the records because they are relevant to the issues before this Court.

IT IS ORDERED:

The Nebraska Department of Correctional Services shall produce copies of Inmate Alexander T. Simoens' (DCS Id. #63872) medical records (including records of complaints of injuries or disabilities, requests for medical services, and medication), mental health, and institutional discipline records to City Attorneys Thomas O. Mumgaard and/or Michelle Peters, Attorneys for the defendants, and to Patrick J. Cullan and/or Joseph P. Cullan, Attorneys for Plaintiffs.

The records are to be produced under the following conditions:

1. The parties shall not disseminate, publish, show, or otherwise disclose the content of the information in the produced records to any person committed to the Nebraska Department of Correctional Services without further order from the Court.
2. The reasonable cost of the copies shall be paid by the City of Omaha for its copy and by the plaintiffs for their copy, directly to the Nebraska Department of Correctional Services.
3. This order does not encompass any pre-sentence investigation which may be in the inmate file. Requests for copies of such documents must be obtained separately

by court order from the court which requested the presentence investigation to be conducted.

DATED this 22nd day of December, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge